

Education Services  
Procedures and Guidelines

**Procedures for Assessing Suitability of Websites  
Which Require Pupil and Staff Personal Details to be  
Registered**

**[Including Risk Assessment Template and Consent  
Forms]**

**2017**

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## 1. Introduction

- 1.1 The use of websites in curriculum delivery has increased significantly over recent years and the Scottish Government ICT in Education Excellence Group recommends teachers be given more scope to exercise their professional judgement on the websites they use. This is again echoed in the “digital learning and teaching strategy for Scotland” released in September 2016 which can be found here: <http://www.gov.scot/Resource/0050/00505855.pdf>
- 1.2 Business & Technology Solutions manages the internet filtering which enables access to certain websites to be blocked.
- 1.3 Some websites require pupils to register and this may result in the use of pupils’ personal information. Teachers should not use websites requiring pupils to register unless they have carried out privacy risk assessment (Appendix C) for that site and obtained parent and if possible pupil consent. This is of particular importance where websites are registered out with the European Economic Area.
- 1.4 This notice to all schools and establishments outlines the issues teachers should consider when using websites requiring pupil registration.

## 2. Data Protection Obligations

- 2.1 Education Services and its staff owe a duty of care to pupils. They are also obligated under the Data Protection Act 1998 to comply with the eight Data Protection Principles. Education Services staff are individually responsible for ensuring they comply with the Act. If pupils are encouraged or required by a teacher to register with particular websites, then the individual teacher should first ensure that the personal information required for registration by pupils is appropriate and not excessive.
- 2.2 Additionally, the Eighth Data Protection Principle states that information should not be transferred outwith the European Economic Area (EEA)<sup>1</sup> unless it is to a country which has data protection laws similar to those in the EEA<sup>2</sup>.
- 2.3 The USA, where many educational sites are based, is **not** one of these countries, however many sites are registered through the “Privacy Shield” framework which means the company's data processing policies are in line with the EEA standards. You can check whether a site is registered with “Privacy Shield” here: <https://www.privacyshield.gov/list>.
- 2.4 It is the **responsibility** of teachers to ensure that their pupils' use of websites does not breach any of the Data Protection Principles (The mandatory Data Protection Course found on Flo should have been completed prior to assessing the suitability of a website or when handling any learners personal information; this course will give you a good understanding around data protection issues and your responsibilities). Before using any website which requires learners to register or provide personal information, teachers should assess whether the site is suitable using the process outlined in Section 4.

## 3. Parent/Pupil Consent

- 3.1 One way schools can ensure they comply with the Data Protection Act is to obtain parental consent before asking Learners to register with any website, wherever it is based. Informed consent must be

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<sup>1</sup> The 28 EU member states: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom plus Iceland, Liechtenstein and Norway.

<sup>2</sup> Countries currently recognised as having adequate protection are: Andorra, Argentina, Canada (commercial organisations), Faeroe Islands, Guernsey, Israel, Isle of Man, Jersey, New Zealand, Switzerland and Uruguay. An up to date list can be found here: [http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index\\_en.htm](http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index_en.htm)

obtained for each website and parents/ guardian / carer must be provided with detailed information about the website, including:

- The name of the website and a link to it.
- What the website is being used for.
- Parental / guardian / carer are fully aware of all the functionality of the website including private chat/messenger functions, adult access, etc. Consent to have their image displayed publicly and electronically on a website (please note that pupils images who participate in group work could possibly be shared through multiple user's accounts).
- What personal information is required to register (i.e. name, date of birth, etc). Which country the website is hosted in and whether it is within or outside the EEA. If a US-based site, whether it is part of the Privacy Shield framework.
- Those educators may have the ability to communicate with the learner 24 hours a day. A link to the terms and conditions of the website.

3.2 You should make clear that a Privacy Risk Assessment (Appendix C) has been carried out and highlight any issues you have found.

3.3 If parents or pupils do not consent, you must ensure that there is no **negative** impact on the said pupil's education.

3.4 It is possible to combine consents for a number of websites, providing full information on each one, but consent **cannot** be in advance for websites yet to be identified.

3.5 Copies of the Privacy Risk Assessment should be provided to parents if requested. **4. Assessing Suitability of Websites**

4.1 You can assume that any UK / Scottish government endorsed website is safe to use as they have carried out the relevant checks i.e. Scholar, SQA, and UCAS. However there is a need to inform parents of the intent to use the site unless the learner is over the age of 16 and has given their consent.

4.2 You should always familiarise yourself fully with the website and assess the educational benefits, read any terms and conditions. Are any other schools / authorities using the site, if so It may be worth contacting them to enquire the benefits for both teachers and our

4.3 No pupil should be asked to enter personal information onto an identified website without the relevant paperwork and risk assessment being completed

4.4 Although the website may be located within the EEA it may hold / store gathered data within a non EU country. This could present a problem as the data can be processed under the laws of the country where the data is stored. Always seek assurances to where the data is held!

4.5 Note that some websites may not require registration but may collect personal information at a later stage, for example to print out certificates. This may be considered processing under the Data Protection Act. Pupils should be advised not to enter personal information on these sites.

4.6 Where appropriate, pupils should be encouraged to register on websites using nicknames which are not based on their real names.

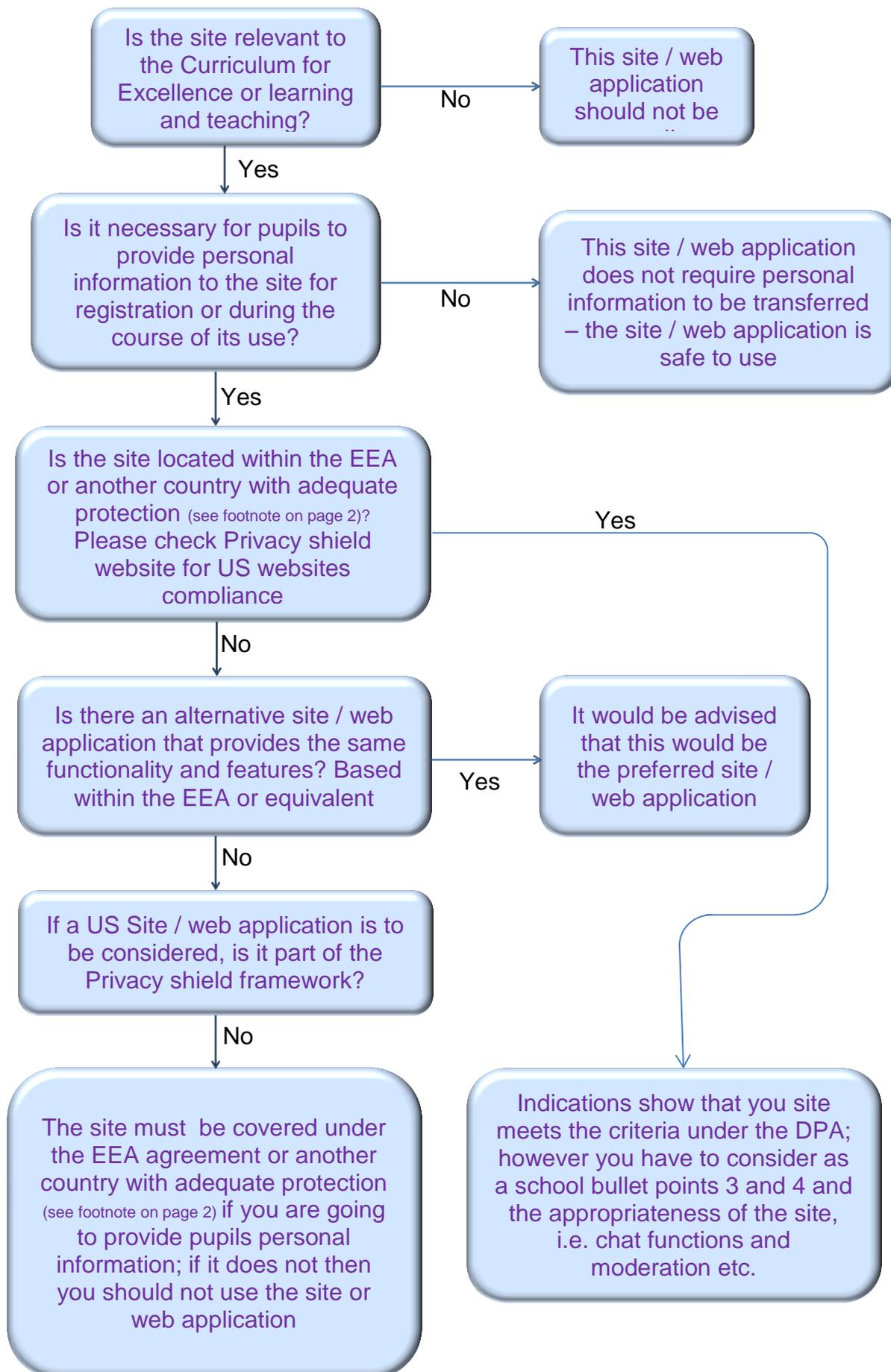
4.7 Two key factors must be taken into account when assessing the suitability of a website. These are:

- Whether appropriate data protection laws or policies are in place. This will usually be assessed by identifying the location of the website. In effect the key question will be whether it is located within the EEA; or in a country recognised as having an adequate level of protection; or, in the case of US-based sites, whether it is registered as a "Privacy Shield". The flowchart attached as Appendix A will help you with this.

- Whether the amount of personal information required is excessive. The attached Privacy Risk Matrix (Appendix B) and the Privacy Risk Assessment (Appendix C) will help you decide this.
- 4.8 Any decision on the use of a particular website will depend on balancing the educational benefits with these two factors.
- 4.9 If there are strong educational reasons to use a particular site, but it does not meet the criteria above, you should seek approval from a member of your Senior Management Team. You should also make it clear, when obtaining consent from parents that the website may not comply with EU data protection standards and the risks associated must be conveyed in writing to parent's guardians / carers and additional consent would be requested.
- 4.10 If you are unsure whether a site is suitable or not, you should consult with a member of your senior management team, or seek advice as detailed below.
- 4.11 If learner's details are provided / uploaded to a website / web application you must be confident that any child protection issue that could arise have been addressed and mitigated.
- 4.12 If there is a chat function / comments do you have processes in place to quality assure and moderate content and assess your learner's online safety and welfare etc? Parents should also be made aware of this.

## **5. Further Information and Training**

- 5.1 Staff can access training on Data Protection using the e-Learning system, from September 2014
- 5.2 Further information can be obtained from:
- The Council's Data Protection Guidance:  
<http://connect.dgcouncil.net/CHttpHandler.ashx?id=2996&p=0http://connect.dgcouncil.net/index.aspx?articleid=682>
  - Data Protection Officer, 01387 260315
  - Schools ICT Coordinator - 60543
- 5.3 Information on the Privacy Shield scheme can be obtained from:  
<https://www.privacyshield.gov/welcome>



## Privacy Risk Matrix

## Appendix B

The following matrix provides a guide to risk assessing the amount of personal data required to register with a website.

		Location of website (see section 2.2)			
		UK	EEA or other country with adequate protection	US: Privacy Shield scheme registered sites	Other (including other US sites)
<b>Extent of personal information requested or required</b>	Minimal: name, non-identifying details	Low	Low	Low	Medium
	Medium: location, gender, age, school year.	Low	Low	Medium	High
	High: date of birth, full address, name of school	Low	Medium	High	High
	Sensitive: ethnicity, religion, health	Medium	High	High	High

Sensitive personal information includes information about a person's racial or ethnic origin, political opinions, religious beliefs or other beliefs of a similar nature, physical or mental health or condition or sexual life.

Even if a website is considered low risk (i.e. shaded green) the amount of information transferred should be kept to a minimum. Pupils should be advised only to complete compulsory fields and to use nicknames if appropriate.

If a website is of medium risk, you should consider carefully whether the educational benefit provided by the website justifies the amount of personal information being processed. You might be able to reduce the risk by having pupils complete less information when registering or by having the pupils use nicknames.

If a website is high risk, you should seek the approval of a member of Senior Management Team before asking or encouraging pupils to use the website as ultimately it will be their responsibility.

This is a link to the word document of appendix C [Privacy Risk Assessment Template](#)

This is a link to the word document of appendix D [Registering Personal Details on Websites- Consent Form](#)

## Privacy Risk Assessment Template

## Appendix C

All section below should be completed before returning the risk assessment

<b>Site Info</b>	
Name of Site	
URL (Web address)	
Location of website	
Is this within the UK?	
Is this an EEA or other country with adequate data protection in place?	
If in the US, is it listed under Privacy Shield	
<b>Registration/Personal Details</b>	
Information required to register:	
Nickname/Alias	
Real name	
Date of birth	
Age	
School year	
Address	
Location	
Photograph	
Name of School	
Sex/Gender	
Sensitive Personal Information (see section 2.1)	
Privacy risk (low, medium, high)	
Senior Management Team Approval required?	
<b>Risk Assessment Completed by</b>	
Signed	
Date	
<b>Senior Management Approval by</b>	
Signed	
Date	
<b>Pupil Consents obtained</b>	
Signed	
Date	
<b>Parent Consents obtained for all pupils 16 years and under</b>	
Signed	
Date	

NB - Completed Risk Assessment forms along with confirmation that consent has been obtained should be submitted to [ann.harkness@dumgal.gov.uk](mailto:ann.harkness@dumgal.gov.uk)

## Registering Personal Details on Websites - Consent Form Appendix D

Education Services and its staff owe a duty of care to pupils. If pupils are encouraged or required by a teacher to register with particular websites, then the individual teacher should first ensure that the personal information required for registration by pupils is appropriate and not excessive. Schools must ensure they comply with the Data Protection Act by obtaining parental consent before asking pupils to register with any website, wherever it is based. Informed consent must be obtained for each website and parents must be provided with detailed information.

<b>Name of Site</b>	
Web address	
How will my child benefit from using this web-site?	
Link to Site's Terms & Conditions	
<b>Registration/Personal Details Required (please tick)</b>	
Nickname/Alias	Address
Real name	Location
Date of birth	Name of School
Age	Sex/Gender
School year	Sensitive Personal Information
<b>Functions and features</b>	<b>List details below</b>
Please list the functions and features that are available to the students on the site	
Please list the functions and features that you will be expecting the students to use	
If there is a chat / messenger function how do you intend to use it, is the chat/messenger function local for just your group of students or is it global to the site or application, Does this allow the teacher the ability to communicate to students 24 hours a day 7 days a week?	

A Privacy Risk Assessment has been carried out, for this site, which is available to parents / carers on request.

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***Please return this slip to the teacher making the request***

**Website** \_\_\_\_\_

**Teacher** \_\_\_\_\_ **Class** \_\_\_\_\_

**Pupil Name** \_\_\_\_\_

I agree / do not agree to allow my child's details to be registered with the website above, for the purpose of class activities. I understand that if I do not give my consent there will be no negative impact on my child's education.

**Parent/Carer** \_\_\_\_\_ **Date** \_\_\_\_\_

**Parent/Carer** \_\_\_\_\_ **Date** \_\_\_\_\_